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110TH CONGRESS
1ST SESSION

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To improve the quality of federal and state data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation.

IN THE SENATE OF THE UNITED STATES

MAY —, 2007

Mr. INOUE (for himself, Mr. DORGAN, Mr. PRYOR, Ms. CANTWELL, Ms. KLOBUCHAR, and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To improve the quality of federal and state data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Broadband Data Im-
5 provement Act”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) The deployment and adoption of broadband
4 technology has resulted in enhanced economic devel-
5 opment and public safety for communities across the
6 Nation, improved health care and educational oppor-
7 tunities, and a better quality of life for all Ameri-
8 cans.

9 (2) Continued progress in the deployment and
10 adoption of broadband technology is vital to ensur-
11 ing that our Nation remains competitive and con-
12 tinues to create business and job growth.

13 (3) Improving Federal data on the deployment
14 and adoption of broadband service will assist in the
15 development of broadband technology across all re-
16 gions of the Nation.

17 (4) The Federal Government should also recog-
18 nize and encourage complementary state efforts to
19 improve the quality and usefulness of broadband
20 data and should encourage and support the partner-
21 ship of the public and private sectors in the contin-
22 ued growth of broadband services and information
23 technology for the residents and businesses of the
24 Nation.

1 **SEC. 3. IMPROVING FEDERAL DATA ON BROADBAND.**

2 (a) IMPROVING FCC BROADBAND DATA.—Within
3 120 days after the date of enactment of this Act, the Fed-
4 eral Communications Commission shall issue an order in
5 WC docket No. 07-38 which shall, at a minimum—

6 (1) revise or update, if determined necessary,
7 the existing definitions of advanced telecommuni-
8 cations capability, or broadband;

9 (2) establish a new definition of second genera-
10 tion broadband to reflect a data rate that is not less
11 than the data rate required to reliably transmit full-
12 motion, high-definition video; and

13 (3) revise its Form 477 reporting requirements
14 to require filing entities to report broadband connec-
15 tions and second generation broadband connections
16 by 5-digit postal zip code plus 4-digit location.

17 (b) EXCEPTION.—The Commission shall exempt an
18 entity from the reporting requirements of subsection
19 (a)(3) if the Commission determines that a compliance by
20 that entity with the requirements is cost prohibitive, as
21 defined by the Commission.

22 (c) IMPROVING SECTION 706 INQUIRY.—Section 706
23 of the Telecommunications Act of 1996 (47 U.S.C. 157
24 nt) is amended—

25 (1) by striking “regularly” in subsection (b)
26 and inserting “annually”;

1 (2) by redesignating subsection (c) as sub-
2 section (e); and

3 (3) by inserting after subsection (b) the fol-
4 lowing:

5 “(c) MEASUREMENT OF EXTENT OF DEPLOY-
6 MENT.—In determining under subsection (b) whether ad-
7 vanced telecommunications capability is being deployed to
8 all Americans in a reasonable and timely fashion, the
9 Commission shall consider data collected using 5-digit
10 postal zip code plus 4-digit location.

11 “(d) DEMOGRAPHIC INFORMATION FOR UNSERVED
12 AREAS.—As part of the inquiry required by subsection (b),
13 the Commission shall, using 5-digit postal zip code plus
14 4-digit location information, compile a list of geographical
15 areas that are not served by any provider of advanced tele-
16 communications capability (as defined by section
17 706(c)(1) of the Telecommunications Act of 1996 (47
18 U.S.C. 157 nt)) and to the extent that data from the Cen-
19 sus Bureau is available, determine, for each such unserved
20 area—

21 “(1) the population;

22 “(2) the population density; and

23 “(3) the average per capita income.”;

1 (4) by inserting “an evolving level of” after
2 “technology,” in paragraph (1) of subsection (e), as
3 redesignated.

4 (d) IMPROVING CENSUS DATA ON BROADBAND.—
5 The Secretary of Commerce, in consultation with the Fed-
6 eral Communications Commission, shall expand the Amer-
7 ican Community Survey conducted by the Bureau of the
8 Census to elicit information for residential households, in-
9 cluding those located on native lands, to determine wheth-
10 er persons at such households own or use a computer at
11 that address, whether persons at that address subscribe
12 to Internet service and, if so, whether such persons sub-
13 scribe to dial-up or broadband Internet service at that ad-
14 dress.

15 **SEC. 4. STUDY ON ADDITIONAL BROADBAND METRICS AND**
16 **STANDARDS.**

17 (a) IN GENERAL.—The Comptroller General shall
18 conduct a study to consider and evaluate additional
19 broadband metrics or standards that may be used by in-
20 dustry and the Federal Government to provide users with
21 more accurate information about the cost and capability
22 of their broadband connection, and to better compare the
23 deployment and penetration of broadband in the United
24 States with other countries. At a minimum, such study

1 shall consider potential standards or metrics that may be
2 used—

3 (1) to calculate the average price per megabyte
4 of broadband offerings;

5 (2) to reflect the average actual speed of
6 broadband offerings compared to advertised poten-
7 tial speeds;

8 (3) to compare the availability and quality of
9 broadband offerings in the United States with the
10 availability and quality of broadband offerings in
11 other industrialized nations, including countries that
12 are members of the Organization for Economic Co-
13 operation and Development; and

14 (4) to distinguish between complementary and
15 substitutable broadband offerings in evaluating de-
16 ployment and penetration.

17 (b) REPORT.—Not later than one year after the date
18 of enactment of this Act, the Comptroller General shall
19 submit a report to the Senate Committee on Commerce,
20 Science, and Transportation and the House of Represent-
21 atives Committee on Energy and Commerce on the results
22 of the study, with recommendations for how industry and
23 the Federal Communications Commission can use such
24 metrics and comparisons to improve the quality of
25 broadband data and to better evaluate the deployment and

1 penetration of comparable broadband service at com-
2 parable rates across all regions of the Nation.

3 **SEC. 5. STUDY ON THE IMPACT OF BROADBAND SPEED AND**
4 **PRICE ON SMALL BUSINESSES.**

5 (a) IN GENERAL.—The Small Business Administra-
6 tion Office of Advocacy shall conduct a study evaluating
7 the impact of broadband speed and price on small busi-
8 nesses.

9 (b) REPORT.—Not later than one year after the date
10 of enactment of this Act, the Office shall submit a report
11 to the Senate Committee on Commerce, Science, and
12 Transportation, the Senate Committee on Small Business
13 and Entrepreneurship, the House of Representatives Com-
14 mittee on Energy and Commerce, and the House of Rep-
15 resentatives Committee on Small Business on the results
16 of the study, including—

17 (1) a survey of broadband speeds available to
18 small businesses;

19 (2) a survey of the cost of broadband speeds
20 available to small businesses;

21 (3) a survey of the type of broadband tech-
22 nology used by small businesses; and

23 (4) any policy recommendations that may im-
24 prove small businesses access to comparable

1 broadband services at comparable rates in all regions
2 of the Nation.

3 **SEC. 6. ENCOURAGING STATE INITIATIVES TO IMPROVE**
4 **BROADBAND.**

5 (a) PURPOSES.—The purposes of any grant under
6 subsection (b) are—

7 (1) to ensure that all citizens and businesses in
8 a State have access to affordable and reliable
9 broadband service;

10 (2) to achieve improved technology literacy, in-
11 creased computer ownership, and home broadband
12 use among such citizens and businesses;

13 (3) to establish and empower local grassroots
14 technology teams in each State to plan for improved
15 technology use across multiple community sectors;
16 and

17 (4) to establish and sustain an environment
18 ripe for broadband services and information tech-
19 nology investment.

20 (b) ESTABLISHMENT OF STATE BROADBAND DATA
21 AND DEVELOPMENT GRANT PROGRAM.—

22 (1) IN GENERAL.—The Secretary of Commerce
23 shall award grants, taking into account the results
24 of the peer review process under subsection (d), to
25 eligible entities for the development and implementa-

1 tion of statewide initiatives to identify and track the
2 availability and adoption of broadband services with-
3 in each State.

4 (2) COMPETITIVE BASIS.—Any grant under
5 subsection (b) shall be awarded on a competitive
6 basis.

7 (c) ELIGIBILITY.—To be eligible to receive a grant
8 under subsection (b), an eligible entity shall—

9 (1) submit an application to the Secretary of
10 Commerce, at such time, in such manner, and con-
11 taining such information as the Secretary may re-
12 quire; and

13 (2) contribute matching non-Federal funds in
14 an amount equal to not less than 20 percent of the
15 total amount of the grant.

16 (d) PEER REVIEW; NONDISCLOSURE.—

17 (1) IN GENERAL.—The Secretary shall by regu-
18 lation require appropriate technical and scientific
19 peer review of applications made for grants under
20 this section.

21 (2) REVIEW PROCEDURES.—The regulations re-
22 quired under paragraph (1) shall require that any
23 technical and scientific peer review group—

24 (A) be provided a written description of
25 the grant to be reviewed; and

1 (B) provide the results of any review by
2 such group to the Secretary of Commerce.

3 (C) certify that such group will enter into
4 voluntary nondisclosure agreements as nec-
5 essary to prevent the unauthorized disclosure of
6 confidential and proprietary information pro-
7 vided by broadband service providers in connec-
8 tion with projects funded by any such grant.

9 (e) USE OF FUNDS.—A grant awarded to an eligible
10 entity under subsection (b) shall be used—

11 (1) to provide a baseline assessment of
12 broadband service deployment in each State;

13 (2) to identify and track—

14 (A) areas in each State that have low lev-
15 els of broadband service deployment;

16 (B) the rate at which residential and busi-
17 ness users adopt broadband service and other
18 related information technology services; and

19 (C) possible suppliers of such services;

20 (3) to identify barriers to the adoption by indi-
21 viduals and businesses of broadband service and re-
22 lated information technology services, including
23 whether or not—

24 (A) the demand for such services is absent;

25 and

1 (B) the supply for such services is capable
2 of meeting the demand for such services;

3 (4) to identify the speeds of broadband connec-
4 tions made available to individuals and businesses
5 within the State, and, at a minimum, to rely on the
6 data rate benchmarks for broadband and second
7 generation broadband identified by the Federal Com-
8 munications Commission to promote greater consist-
9 ency of data among the States;

10 (5) to create and facilitate in each county or
11 designated region in a State a local technology plan-
12 ning team—

13 (A) with members representing a cross sec-
14 tion of the community, including representatives
15 of business, telecommunications labor organiza-
16 tions, K-12 education, health care, libraries,
17 higher education, community-based organiza-
18 tions, local government, tourism, parks and
19 recreation, and agriculture; and

20 (B) which shall—

21 (i) benchmark technology use across
22 relevant community sectors;

23 (ii) set goals for improved technology
24 use within each sector; and

1 (iii) develop a tactical business plan
2 for achieving its goals, with specific rec-
3 ommendations for online application devel-
4 opment and demand creation;

5 (6) to work collaboratively with broadband serv-
6 ice providers and information technology companies
7 to encourage deployment and use, especially in
8 unserved and underserved areas, through the use of
9 local demand aggregation, mapping analysis, and the
10 creation of market intelligence to improve the busi-
11 ness case for providers to deploy;

12 (7) to establish programs to improve computer
13 ownership and Internet access for unserved and un-
14 derserved populations;

15 (8) to collect and analyze detailed market data
16 concerning the use and demand for broadband serv-
17 ice and related information technology services;

18 (9) to facilitate information exchange regarding
19 the use and demand for broadband services between
20 public and private sectors; and

21 (10) to create within each State a geographic
22 inventory map of broadband service, and where fea-
23 sible second generation broadband service, which
24 shall—

1 (A) identify gaps in such service through a
2 method of geographic information system map-
3 ping of service availability at the census block
4 level; and

5 (B) provide a baseline assessment of state-
6 wide broadband deployment in terms of house-
7 holds with high-speed availability.

8 (f) PARTICIPATION LIMIT.—For each State, an eligi-
9 ble entity may not receive a new grant under this section
10 to fund the activities described in subsection (d) within
11 such State if such organization obtained prior grant
12 awards under this section to fund the same activities in
13 that State in each of the previous 4 consecutive years.

14 (g) REPORTING.—The Secretary of Commerce
15 shall—

16 (1) require each recipient of a grant under sub-
17 section (b) to submit a report on the use of the
18 funds provided by the grant; and

19 (2) create a web page on the Department of
20 Commerce web site that aggregates relevant infor-
21 mation made available to the public by grant recipi-
22 ents, including, where appropriate, hypertext links to
23 any geographic inventory maps created by grant re-
24 cipients under subsection (e)(10).

25 (h) DEFINITIONS.—In this section:

1 (1) ELIGIBLE ENTITY.—The term “eligible en-
2 tity” means a non-profit organization that is se-
3 lected by a State to work in partnership with State
4 agencies and private sector partners in identifying
5 and tracking the availability and adoption of
6 broadband services within each State.

7 (2) NONPROFIT ORGANIZATION.—The term
8 “nonprofit organization” means an organization—

9 (A) described in section 501(c)(3) of the
10 Internal Revenue Code of 1986 and exempt
11 from tax under section 501(a) of such Code;

12 (B) no part of the net earnings of which
13 inures to the benefit of any member, founder,
14 contributor, or individual;

15 (C) that has an established competency
16 and proven record of working with public and
17 private sectors to accomplish widescale deploy-
18 ment and adoption of broadband services and
19 information technology; and

20 (D) the board of directors of which is not
21 composed of a majority of individuals who are
22 also employed by, or otherwise associated with,
23 any Federal, State, or local government or any
24 Federal, State, or local agency.

1 (i) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this section
3 \$40,000,000 for each of fiscal years 2008 through 2012.

4 (j) NO REGULATORY AUTHORITY.—Nothing in this
5 section shall be construed as giving any public or private
6 entity established or affected by this Act any regulatory
7 jurisdiction or oversight authority over providers of
8 broadband services or information technology.

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